

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

THE GROUND ROUND INDEPENDENT
OWNERS COOPERATIVE, LLC,

Plaintiff,

- vs. -

CHARLES WHITMAN a.k.a. Chuck
Whitman, C.T.W. DEVELOPMENT
CORPORATION, RESTAURANT
CONCEPTS UNLIMITED CORPORATION,

Defendants.

Civil Action No.: 05-CV-10780-NMG

PLAINTIFF'S REQUEST FOR ISSUANCE OF A NOTICE OF DEFAULT

TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
MASSACHUSETTS:

The Ground Round Independent Owners Cooperative, LLC (the "IOC"), requests that the Clerk of this Court issue a notice of default against Defendant C.T.W. Development Corporation pursuant to Fed. R. Civ. P. 55(a).

This request is based on the Affidavit of Juan Alexander Concepción, incorporated herein by reference, which shows:

1. C.T.W. Development Corporation was duly served with the summons and complaint on April 22, 2005.
2. The Return of Service filed with this Court on May 3, 2005 establishes that service of process was proper pursuant to Fed. R. Civ. P. 4. A true and accurate file-stamped copy of the Return of Service is attached to the Affidavit of Juan Alexander Concepción as Exhibit "A."

3. C.T.W. Development Corporation has failed to timely plead or otherwise respond to the complaint.
4. The applicable time limit for responding under Fed. R. Civ. P. 12 has expired.
5. On information and belief, C.T.W. Development Corporation is a company organized under the laws of the State of Ohio with its principal office in Youngstown, Ohio. True and accurate copies of corporate documents reportedly on file with the Ohio Secretary of State are attached to the Affidavit of Juan Alexander Concepción as Exhibit "B."
6. On belief and information, C.T.W. Development Corporation is not an infant or an incompetent person.
7. On belief and information, C.T.W. Development Corporation is not in the military service of the United States or its allies, as defined in the Soldier's and Sailor's Civil Relief Act of 1940, 50 U.S.C. Appendix, § 520(1).

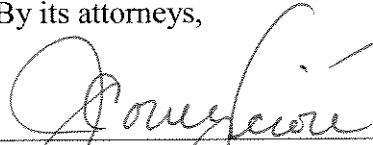
WHEREFORE, the IOC requests that the Clerk of this Court issue a notice of default against C.T.W. Development Corporation pursuant to Fed. R. Civ. P. 55(a).

Signed under penalties of perjury.

Respectfully Submitted,

THE GROUND ROUND INDEPENDENT
OWNERS COOPERATIVE, LLC,

By its attorneys,

A handwritten signature in black ink, appearing to read "Juan Alexander Concepción", written over a horizontal line.

Juan Alexander Concepción, BBO No. 658908
NIXON PEABODY LLP
100 Summer Street
Boston, MA 02110-2131
(617) 345-1000

Craig R. Tractenberg, Esq. (PA I.D. No. 34636)
(Admission *Pro Hac Vice* to be filed)
NIXON PEABODY LLP
1818 Market Street, 11th Floor
Philadelphia, PA 19103
(215) 246-3525

Dated: May 18, 2005